

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the First Amended)
Accusation Against:**)

Barbara Ellen Hainsworth, M.D.)

Case No. 800-2016-022214

**Physician's and Surgeon's
Certificate No. G 39117**)

Respondent)

DECISION AND ORDER

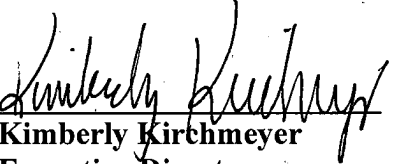
**The attached Stipulated Surrender of License is hereby adopted as the
Decision and Order of the Medical Board of California, Department of
Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on August 10, 2017.

IT IS SO ORDERED August 3, 2017.

MEDICAL BOARD OF CALIFORNIA

By:


**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of the State of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
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6 *Attorneys for Complainant*
Medical Board of California
7

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation Against:

Case No.: 800-2016-022214

12 **BARBARA ELLEN HAINSWORTH, M.D.**
13 6355 Argonne Blvd.
New Orleans, LA 70124

**STIPULATED SURRENDER OF
LICENSE**

14 Physician's and Surgeon's Certificate No. G39117
15

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding, that the following matters are true:

18 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical
19 Board of California. She brought this action solely in the official capacity, and is represented by
20 Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon, Supervising
21 Deputy Attorney General.

22 2. Respondent Barbara Ellen Hainsworth, M.D. (Respondent) is represented in this
23 proceeding by Courtney E. Pilchman of Pilchman & Kay PLC, 2030 Main Street Suite 1300,
24 Irvine, CA 92614.

25 3. On April 18, 2003, the Medical Board of California issued Physician's and
26 Surgeon's Certificate No. G39117 to Respondent. The certificate is renewed and current, but is
27 suspended pursuant to an order issued on June 9, 2016 under Business and Professions Code
28 section 2310(a).

1 4. Respondent has received, read, discussed with counsel and understands the First
2 Amended Accusation which is presently on file and pending in case number 800-2016-022214
3 (Accusation), a copy of which is attached as Exhibit A. Respondent also has carefully read,
4 discussed with counsel and understands the effects of this Stipulated Surrender of License
5 (Stipulation).

6 5. Respondent is fully aware of her legal rights in this matter, including the right to a
7 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
8 her own expense; the right to confront and cross-examine the witnesses against her; the right to
9 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
10 compel the attendance of witnesses and the production of documents; the right to reconsideration
11 and court review of an adverse decision; and all other rights accorded by the California
12 Administrative Procedure Act and other applicable laws. Respondent voluntarily, knowingly, and
13 intelligently waives and gives up each and every right set forth above.

14 6. For the purpose of resolving the charges and allegations in the Accusation, without
15 the expense and uncertainty of further proceedings, Respondent agrees that the Board has
16 jurisdiction and cause to take action against her physician's and surgeon's certificate by virtue of
17 the allegations set forth in the Accusation and pursuant to Business and Professions Code section
18 822. Respondent wishes to surrender her certificate at this time.

19 7. Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation
20 for Surrender of License shall be subject to the approval of the Board. Respondent understands
21 and agrees that the Medical Board's staff and counsel for Complainant may communicate directly
22 with the Board regarding this Stipulation without notice to or participation by Respondent or her
23 counsel. By signing this Stipulation, Respondent understands and agrees that she may not
24 withdraw her agreement or seek to rescind the Stipulation prior to the time the Board considers
25 and acts upon it. In the event that this Stipulation is rejected for any reason by the Board, it will
26 be of no force or effect for either party. The Board will not be disqualified from further action in
27 this matter by virtue of its consideration of this Stipulation.

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8. Upon acceptance of this Stipulation by the Board, Respondent understands that she will no longer be permitted to practice as a physician and surgeon in California, and also agrees to surrender and cause to be delivered to the Board any license and wallet certificate in her possession before the effective date of the Decision.

9. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

10. Respondent fully understands and agrees that if she ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement, and Respondent must comply with all laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

11. Respondent understands that because this surrender of license is based on Section 822 of the Code, she may not petition for reinstatement as a physician and surgeon for a period of one (1) year from the effective date of her surrender. Information gathered in connection with Accusation number 800-2016-022214 may be considered by the Board in determining whether to grant the petition for reinstatement. For the purposes of the reinstatement hearing, the allegations contained in Accusation number 800-2016-022214 shall be deemed to be admitted by Respondent, and Respondent waives any and all defenses based on a claim of laches or the statute of limitations.

12. The parties understand and agree that facsimile or electronic copies of this Stipulated Surrender of License, including facsimile or electronic signatures thereto, shall have the same force and effect as the originals.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License, and have discussed it with my attorney. I enter into it freely and voluntarily and with full knowledge of its force and effect do hereby surrender my Physician and Surgeon's Certificate Number G39117 to the Medical Board of California, for its formal acceptance. By signing this Stipulation to surrender my license, I recognize that upon its formal acceptance by the Board, I will lose all rights and

1 privileges to practice as a physician and surgeon in the State of California and I also will cause to
2 be delivered to the Board any license and wallet certificate in my possession before the effective
3 date of the Decision.

4
5 DATED: 7/18/2017

Barbara Ellen Hainsworth MD
6 **BARBARA ELLEN HAINSWORTH, M.D.**
7 *Respondent*

8 **APPROVAL**

9 I have fully discussed with Respondent Barbara Ellen Hainsworth, M.D. the terms and
10 conditions and other matters contained in the above Stipulated Surrender of License and approve
11 its form and content.

12
13 DATED: 7/18/17

Courtney E. Pilchman
14
15 **COURTNEY E. PILCHMAN**
16 *Pilchman & Kay, PLC*
17 *Attorneys for Respondent*

18 **ENDORSEMENT**

19 The foregoing Stipulated Surrender of License is hereby respectfully submitted for
20 consideration by the Medical Board of California.

21 DATED: 7/18/17

22 **XAVIER BECERRA**
23 *Attorney General of the State of California*

Jane Zack Simon
24 **JANE ZACK/SIMON**
25 *Supervising Deputy Attorney General*
26 *Attorneys for Complainant*

EXHIBIT A

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5544
5 Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO January 9 2017
BY: [Signature] ANALYST

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
Against:

Case No. 800-2016-022214

13 **BARBARA ELLEN HAINSWORTH, M.D.**
14 6355 Argonne Blvd.
New Orleans, LA 70124

FIRST AMENDED ACCUSATION

15 Physician's and Surgeon's Certificate No.
16 G39117,

17 Respondent.

19 The Complainant alleges:

20 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
21 of California, Department of Consumer Affairs, and brings this First Amended Accusation solely
22 in her official capacity.

23 2. On April 18, 2003, Physician's and Surgeon's Certificate No. G39117 was issued by
24 the Medical Board of California to Barbara Ellen Hainsworth, M.D. (Respondent.) The
25 certificate has an expiration date of September 30, 2018, but is SUSPENDED based on an Order
26 issued by the Board on June 9, 2016, pursuant to Business and Professions Code section 2310(a).

27 ///

28 ///

JURISDICTION

3. This First Amended Accusation is brought before the Medical Board of California (Board) under the authority of the following sections of the California Business and Professions Code (Code) and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

“(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.”

D. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licensee's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licensee to be examined by one or more physicians and surgeons or psychologists

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1 designated by the agency. The report of the examiners shall be made
2 available to the licensee and may be received as direct evidence in
proceedings conducted pursuant to Section 822."

3 E. Section 822 of the Code states:

4 "If a licensing agency determines that its licensee's ability to practice his
5 or her profession safely is impaired because the licensee is mentally ill, or
6 physically ill affecting competency, the licensing agency may take action
by any one of the following methods:

- 7 (a) Revoking the licensee's certificate or license.
- 8 (b) Suspending the licensee's right to practice.
- 9 (c) Placing the licensee on probation.
- (d) Taking such other action in relation to the licensee as the licensing
agency in its discretion deems proper.

10 The licensing agency shall not reinstate a revoked or suspended certificate
11 or license until it has received competent evidence of the absence or
12 control of the condition which caused its action and until it is satisfied that
with due regard for the public health and safety the person's right to
practice his or her profession may be safely reinstated."

13 FIRST CAUSE FOR DISCIPLINE

14 (Discipline, Restriction, or Limitation Imposed by Another State)

15 4. On March 14, 2016, the Louisiana State Board of Medical Examiners (Louisiana
16 Board) issued an Interim Consent Order indefinitely suspending Respondent's license to practice
17 medicine in Louisiana. The Interim Consent Order is based on information which indicated that
18 Respondent suffers from a psychiatric condition which may affect her ability to practice
19 medicine. In August 2014, Respondent underwent a comprehensive evaluation to assess her
20 fitness to work as a physician. That evaluation concluded that she was not currently stable and
21 required continued treatment and further evaluation prior to being deemed capable of safely
22 practicing medicine. Respondent agreed to the indefinite suspension of her Louisiana license. A
23 copy of the Interim Consent Order issued by the Louisiana Board is attached as Exhibit A.

24 5. The action of the Louisiana State Board of Medical Examiners, as set forth in
25 paragraph 4, above, constitutes cause for discipline pursuant to sections 2305 and/or 141 of the
26 Code.

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1 3. Ordering Respondent, if placed on probation, to pay the costs of probation
2 monitoring; and

3 4. Taking such other and further action as the Board deems necessary and proper.

4
5 DATED: January 9, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.la.gov



Telephone: (504) 568-8820
FAX: (504) 568-8893
Writer's Direct Dial:

(504) _____

IN THE MATTER OF:

BARBARA ELLEN HAINSWORTH, M.D.
(Certificate No.04638R)

No. 15-I-960

INTERIM CONSENT ORDER

This matter is before the Louisiana State Board of Medical Examiners (the "Board") in connection with an ongoing and pending investigation conducted by the Investigating Officer of the Board regarding Barbara Ellen Hainsworth, M.D. ("Dr. Hainsworth"), a physician who at all pertinent times has been licensed and engaged in the practice of Internal Medicine in various locations in Louisiana and as a locums in other states.

Apparently reliable information gathered to date indicates that Dr. Hainsworth suffers from a psychiatric condition which may affect her ability to practice medicine. In August 2014 Dr. Hainsworth underwent a comprehensive evaluation at a facility approved by the Board to assess her readiness to return to work. It was the opinion of the evaluating professionals that Dr. Hainsworth's condition was not currently stable and she required continued treatment and further evaluations prior to being deemed capable of safely returning to practice. Dr. Hainsworth has represented that she has not practiced medicine since that time.

Predicated upon the information outlined above, the Investigating Officer assigned by the Board with respect to this matter has determined that reasonable cause exists for recommending that a formal Administrative Complaint be filed against Dr. Hainsworth, charging her with violation of the Louisiana Medical Practice Act (the "Act"), pursuant to La. Rev. Stat. §§ 37:1285(A) (25).¹

¹ La. Rev. Stat. §37:1285(A) provides that the Board may take action against the licensee or applicant who has been found guilty of conduct which has endangered or is likely to endanger the health, welfare, or safety of the public, to include: (25) 'Inability to practice medicine with reasonable competence, skill, or safety to patients because of mental or physical illness or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol.'

As evidenced by her subscription hereto, Dr. Hainsworth acknowledges the right to have written notification of any charges that may be asserted, as well as the right to have evidence of such charges asserted during an administrative hearing at which time she will be entitled to be represented by legal counsel, to call witnesses and to present evidence in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951, *et seq.* Irrespective of such rights, Dr. Hainsworth, nonetheless, hereby consents to the indefinite suspension of her license to practice medicine in this state, with reinstatement thereof subject to the terms and conditions of this Order. By her subscription hereto, Dr. Hainsworth authorizes the Investigating Officer designated by the Board with respect hereto to present this Interim Consent Order to the Board for its consideration and to fully discuss with and disclose to the Board the nature and extent of such charges and she waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Hainsworth expressly acknowledges that disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to prosecute administrative charges which may be filed in this matter following completion of the current investigation or to the Board's capacity to adjudicate such charges.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Barbara Ellen Hainsworth, M.D. to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No.04638R, be and the same is hereby, effective as of the date hereof, **INDEFINITELY SUSPENDED**.

IT IS FURTHER ORDERED that Barbara Ellen Hainsworth, M.D. shall not practice medicine in any form in the State of Louisiana until and unless the Board issues and serves a written decision reinstating her license to practice following: (1) receipt of report from a facility approved by the Board, who has conducted a comprehensive evaluation and determined that she is capable of returning to practice with skill and safety to patients; (2) a meeting at the Board office with the Investigating Officer; (3) the conclusion of the pending investigation by administrative hearing and final decision of the Board on any charges that may be filed in these proceedings; alternatively, (4) by the Board's acceptance of a Consent Order or other order or recommendation respecting disposition of such charges and investigation.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Hainsworth shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Hainsworth's license to practice medicine in the State of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. § 37:1285.

IT IS FURTHER ORDERED that this Interim Consent Order shall be, and shall be deemed to be, a public record.

In the Matter of:
Barbara Ellen Hainsworth, M.D.

INTERIM CONSENT ORDER 3

IT IS FURTHER ORDERED that this Interim Consent Order shall be, and shall be deemed to be, a public record.

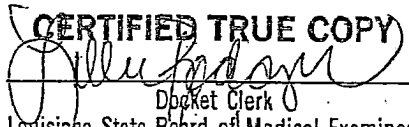
New Orleans, Louisiana, this 14th day of MARCH, 2016.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: 

J. MICHAEL BURDINE, JR., M.D.
President

CERTIFIED TRUE COPY


Docket Clerk
Louisiana State Board of Medical Examiners
Date 5/18/16

*Acknowledgement and Consent
on Following Page*

*Acknowledgement and Consent
on Following Page*

In the Matter of:
Barbara Ellen Hainsworth, M.D.

INTERIM CONSENT ORDER 4

ACKNOWLEDGMENT
AND CONSENT

STATE OF LOUISIANA
PARISH OF TANGIPAHOA

I, Barbara Ellen Hainsworth, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 08 day of FEBRUARY, 2016.

Barbara Ellen Hainsworth
BARBARA ELLEN HAINSWORTH, M.D.

WITNESSES:

Leah McNeese
Signature

Leah McNeese
Printed Name

1905 W Thomas St
Address

Hammond, LA 70401
City, State, Zip Code

Dominick Spand
Signature

DOMINICK SPAND
Printed Name

2113 DENNIS DR
Address

HAMMOND, LA 70401
City, State, Zip Code

Sworn to and subscribed before me at Hammond, Louisiana,
this 08 day of FEBRUARY, 2016, in the presence of the two
stated witnesses.

William R. Bice
Notary Public (Signature)

WILLIAM R. BICE
Printed Name/Notary # 043512



Bice Notary Service
620 N. Morrison Blvd.
Hammond, LA 70401
ID No: 049512
Commission Expires at Death